

Attorney's Docket No. WNB 4935

DECLARATION AND POWER OF ATTORNEY

REGULAR OR DESIGN APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MAGNESIUM PRECIPITATE HOT START METHOD FOR PCR

the specification of which:

(check one)

☒ is attached hereto

☐ was filed on _____ as Application Serial No.

_____, and was amended on _____.

☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____, if any.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
-------------------	--------------------	---------------------------------

CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>(Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>
<u>(Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Irving Powers (15,700), Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), G. Harley Blosser (33,650), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), David E. Crawford, Jr. (38,118), Richard L. Bridge (40,529), Christopher M. Goff (41,785), Derick E. Allen (43,468), Matthew L. Cutler (43,574), Michael G. Munsell (43,820), Karen Y. Hui (44,785), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Sarah J. Chickos (46,157), Donald W. Tugel (45,424), Steven M. Ritchey (46,321), Michael J. Thomas (39,857), Kathryn J. Doty (40,593), Laura R. Polcyn (47,000), James J. Barta, Jr. (47,409), John M. Bodenhausen (47,432), James E. Davis (47,516), Richard A. Schuth (47,929), Debra D. Nye (P-48,260), and Jennifer E. Cook (P-48,330), all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.

Send Correspondence To: Direct Telephone Calls To:

Customer Number: 000321

Karen Y. Hui
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Wayne M. Barnes

Inventor's signature Wayne M. Barnes Date 8-2-2001

Residence St. Louis, Missouri Citizenship USA

Post Office address 11 Princeton Avenue

University City, MO 63130

Full name of second joint inventor Katherine R. Rowlyk

Second inventor's signature Kt Rk Date 8-2-2001

Residence St. Louis, Missouri Citizenship USA

Post Office address 729 Westgate Avenue, Apt. 2N

University City, MO 63130

ASSIGNMENT

1. **WHEREAS**, Katherine R. Rowlyk of 3516 Taraval St. #1, San Francisco, California 94116 (hereinafter referred to as Assignor), has invented an improvement in MAGNESIUM PRECIPITATE HOT START METHOD FOR PCR, and has filed an application for United States patent based thereon, Serial No. 09/920,872, filed August 2, 2001;

2. **WHEREAS**, Wayne M. Barnes of 11 Princeton Avenue, University City, Missouri 63130 (hereinafter referred to as Assignee), is desirous of acquiring certain rights thereunder;

3. **NOW, THEREFORE**, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration by Assignee to Assignor in hand paid, receipt of all of which is hereby acknowledged, Assignor has agreed to and does hereby sell, assign and transfer unto said Assignee an undivided one hundred percent (100%) of her entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including provisional, non-provisional, divisional, continuing or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States applications or in whole or in part on said invention, and any and all patents (including extensions thereof) of any country

which have been or may be granted on any of the aforesaid applications or on said invention or any part thereof;

4. SAID UNDIVIDED one hundred PERCENT (100%) to be held and enjoyed by said Assignee, his heirs, executors, administrators and assigns, as fully and entirely as the same would have been held and enjoyed by Assignor had no sale and assignment of said interest been made;

5. AND Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said Assignee.

6. AND Assignor hereby agrees for herself and for her heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any provisional, non-provisional, divisional, continuing, reissue or other applications for patents of any country, that may be deemed necessary by said Assignee fully to secure to said Assignee his interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them.

7. AND Assignor hereby covenants for herself and her legal representatives, and agrees with said Assignee, his heirs, executors, administrators and assigns, that Assignor has granted no right or license to make, use or sell said invention, to anyone except said Assignee, that prior to the execution of this deed, Assignor's right, title and interest in said invention had

not been otherwise encumbered, and that Assignor has not executed and will not execute any instrument in conflict herewith.

8. IN WITNESS WHEREOF, Assignor has hereunto set her hand this 5 day of November, 2001.

Kth Rk
Katherine R. Rowlyk

ACKNOWLEDGEMENT

State of California)
County of San Francisco) SS.

On this 5th day of November, 2001, before me personally appeared Katherine R. Rowlyk, known to me to be the person who executed the within Assignment and who acknowledged to me that She executed the same for the purposes stated therein.

My Commission Expires:

G.K. Bhatti
Notary Public

